UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/753,537
Filing Date: January 02, 2001
Appellant(s): MULTER ET AL.

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Thomas B. Haverstock
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on August 12, 2008 appealing from the Final

Office action mailed February 7, 2008.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence relied upon in the rejections of claims under appeal:

Zollinger et al., U.S. Patent No. 6,321,236 (hereinafter Zollinger),

Lappington et al., U.S. Patent No. 5,519,433 (hereinafter Lappington), and

Morris, U.S. Patent No. 5,574,906 (hereinafter Morris).

Information Disclosure Statement

The information disclosure statements (IDS) submitted on March 3, 2008, May 7, 2008,

July 17, 2008, August 4, 2008, and September 9, 2008 were filed after the mailing date of the

Final Office Action mailed on February 7, 2008. The submissions are in compliance with the

provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being

considered by the examiner.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 80-87, 90, and 109-116 are rejected under 35 U.S.C. 102(e) as being anticipated

by Zollinger et al. (U.S. Patent No. 6,321,236 B1).

As to claim 80, Zollinger et al. discloses a synchronizer system including a first

synchronizer provided on a networked coupled processing device comprising:

computer code, implemented on a processing device for comparing (It is suggested that "for comparing" should be replaced with "to compare") at least one file on the device and a record of the file on the device, and providing binary differencing data between the file and the record of the file (See Figure 1, 30, and see column 6, lines 60-67, and see column 7, lines 1-3); and

a transaction generator, implemented on a processing device (is the processing device one and the same as the one in prior limitaion? if so, it should be referenced with "the" or "said") providing at least one binary difference transaction including said binary differencing data and at least one data field type to an output (See column 3, lines 45-56, and Zollinger et al.'s column 10, lines 45-65, and Zollinger et al. column 12, lines 9-14, and Zollinger et al. column 12, lines 41-56) for forwarding (It is suggested that "for forwarding" should be replaced with "to forward") to a network coupled storage server, the server using the binary differencing data to synchronize at least one other network coupled processing device (See column 7, lines 14-20, also see Figure 7, 112-118).

As to claim 81, Zollinger et al. discloses wherein the output is coupled to a network, and the first synchronizer is coupled to the storage server via the network, the storage server receiving said binary difference transaction from said first synchronizer (See Figure 1, shows the synchronization server).

As to claim 82, Zollinger et al. discloses wherein the synchronizer receives at least one binary difference transaction from the storage server, and further including computer code for

applying (It is suggested that "code for" should be replaced with "code to") the received binary

difference transaction to the at least one file on at least one other network coupled processing

device (See Figure 7, 112-118).

As to claim 83, <u>Zollinger et al.</u> discloses wherein the first synchronizer includes code for

updating (It is suggested that "code for" should be replaced with "code to") a record of the file

on the at least one other network coupled processing device subsequent to applying the received

binary difference transaction (See column 3, lines 56-67).

As to claim 84, <u>Zollinger et al.</u> discloses wherein the output is coupled to a second

synchronizer and the binary difference transaction is provided to said second synchronizer (See

Figure 1, wherein the synchronizer is centralized operating among networked clients with bi-

directional interfaces, thus deemed to be interfacing as/with second synchronizer).

As to claim 85, <u>Zollinger et al.</u> discloses wherein the second synchronizer is on said at

least one other network coupled processing device (See Figure 1, wherein the synchronizer is

centralized operating among networked clients with bi-directional interfaces, thus deemed to be

interfacing as/with second synchronizer).

As to claim 86, <u>Zollinger et al.</u> discloses wherein second synchronizer is coupled to a

network, and the output of the transaction generator is coupled to the network and the second

synchronizer (See Figure 1, wherein the synchronizer is centralized operating among networked clients with bi-directional interfaces, thus deemed to be interfacing as/with second synchronizer).

As to claim 87, <u>Zollinger et al.</u> discloses wherein the output is coupled to a network and the first synchronizer is coupled to the storage server via the network receiving said binary difference transaction from said first synchronizer via the network and the second synchronizer is coupled to the storage server (See Figure 1, wherein multiple clients are coupled to the synchronization server and data storage).

As to claim 109, <u>Zollinger et al.</u> discloses a synchronizer provided on a network-coupled server, comprising:

computer code, implemented on a processing device, for comparing (It is suggested that "for" should be replaced with "to") at least one file on a network coupled device in communication with the network coupled server and extracting binary differencing data representing the difference between the file and a record of the file (See Figure 1, 30, and see column 6, lines 60-67, and see column 7, lines 1-3); and

a transaction generator, implemented on a processing device (is the processing device one and the same as the one in prior limitaion? if so, it should be referenced with "the" or "said") , providing at least one transaction including said binary differencing data and at least one data field type to an output (See column 3, lines 45-56, and <u>Zollinger et al.</u>'s column 10, lines 45-65, and <u>Zollinger et al.</u> column 12, lines 9-14, and <u>Zollinger et al.</u> column 12, lines 41-56) of the network coupled server (See column 7, lines 14-20, also see Figure 7, 112-118)..

As to claim 110, <u>Zollinger et al.</u> discloses wherein the record of the file is provided on the network coupled device (See column 11, lines 56-67).

As to claim 111, <u>Zollinger et al.</u> discloses wherein the record of the file is provided on the network coupled server (See Figure 1, shows network, 46 server, 48 different devices connected, also see Figure 9, 252).

As to claim 112, <u>Zollinger et al.</u> discloses wherein the record of the file is a previous version in time of the file (See column 7, lines 20-31).

As to claim 113, <u>Zollinger et al.</u> discloses wherein the synchronizer further includes application code to modify a second version of the file by applying said binary differencing data to the second version of the file (See column 3, lines 57-67, wherein "second versions' reads on various version identifiers).

As to claim 114, <u>Zollinger et al.</u> discloses wherein the second version of the file is on a second network coupled device (See Figure 1, shows network, 46 server, 48 different devices connected, also see Figure 9, 252).

As to claim 115, <u>Zollinger et al.</u> discloses wherein the second version of the file is on the network coupled server (See column 11, lines 56-67).

As to claim 116, <u>Zollinger et al.</u> discloses a binary differencing synchronization system, comprising:

at least a first binary differencing engine coupled to a first network coupled device (See Figure 1, 48, client, wherein each client database will hold its own delta table);

at least a second binary differencing engine coupled to a second network coupled device (See Figure 1, 48, client , wherein each client database will hold its own delta table); and

a storage device coupled to the first and the second network coupled devices storing binary differencing data and at least one data field type (See <u>Zollinger et al.</u>'s column 10, lines 45-65, and <u>Zollinger et al.</u> column 12, lines 9-14, and <u>Zollinger et al.</u> column 12, lines 41-56), from and outputting binary differencing data and at least one data field type to, said at least first and second binary differencing engines (See Figure 1, shows network, 46 server, 48 different clients connected, also see column 3, lines 45-56, and see column 7, lines 14-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Zollinger et al.</u> (U.S. Patent No. 6,321,236 B1) in view of <u>Lappington et al.</u> (U.S. Patent No. 5,519,433).

As to claim 88, <u>Zollinger et al.</u> does not teach wherein the first synchronizer further includes an encryption routine encrypting the binary difference transaction.

<u>Lappington et al.</u> teaches wherein the first synchronizer further includes an encryption routine encrypting the binary difference transaction (See <u>Lappington et al.</u> column 29, lines 25-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of <u>Zollinger et al.</u> with the teachings of <u>Lappington et al.</u> to include the first synchronizer further includes an encryption routine encrypting the binary difference transaction because it provides for security and authentication.

Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Zollinger et al.</u> (U.S. Patent No. 6,321,236 B1) in view of <u>Morris</u> (U.S. Patent No. 5,574,906).

As to claim 89, <u>Zollinger et al.</u> does not teach the first synchronizer (appears to be a typo, since the "first" should precede the second mention of the "synchronizer" and not the first) of claim 80 wherein the synchronizer further includes a compression routine.

<u>Morris</u> teaches wherein the synchronizer further includes a compression routine (See <u>Morris</u> column 6, lines 56-62, also see <u>Morris</u> column 11, lines 33-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of <u>Zollinger et al.</u> with the teachings of <u>Morris</u> to include the synchronizer further includes a compression routine because it provides for reduced storage space and faster transmission of data.

(10) Response to Argument

In response to Appellant's argument that "Zollinger et al. does not teach a transaction

generator providing at least one binary difference transaction including said binary differencing

data and at least one data field type to an output for forwarding to a network coupled storage

server" is fully noted but not deemed to be persuasive.

In reading various pages of Applicant's specification to ascertain the meaning and find

support for the term "field type", in particular the passages below:

specification page 20 recites:

Each device engine performs mapping and translation steps necessary for applying the data packages to the
local format required for that type of information in the application data stores

The other mention of field mapping is found on page 23 of applicant's specification:

documents directory on the personal computer which he wishes to map to a different directory on the
notebook computer, the field mapping module 935 allows for this re-mapping to occur. It should be recognized that
the 15 field mapping module allows for changes in directing the output of the data
package.

And Page 29 of applicant's specification:

The job of a server AO is simply to take the device-specific format of its record and convert into a
universal record format. 20 The connector provides access for the application object to remove the data field from a
particular application and convert it to a universal record structure

It is unclear from reading the various referenced pages above and the broad language of

the claim how the term "data field type" is different from Zollinger et al.'s column 10, lines 45-

65, and Zollinger et al. column 12, lines 9-14, and Zollinger et al. column 12, lines 41-56.

Zollinger et al. as a whole introduces a solution to synchronizing databases of disparate

types by having a centralized server to manage and maintain update deltas in generic format after

being acquired from various sources (various data types) to be formatted to at the target database

(table) using data type mappings provided by the translator outputting the deltas and data types,

thus not only inherent but explicitly stated (see Zollinger et al. background of the invention

column 2, lines 50-52).

Appellant argues that the referenced sections from Zollinger et al. are only directed to

storing updates in generic format and applying a translation technique for mapping them to

variety of types of target databases, which the OA is taken to read on "outputting the binary

difference including type information" to the network.

Appellant contents in his own statements in the brief on page 8, lines 13-14 that Zollinger

et al. does create delta for synchronization and update of various types of databases. Therefore, it

is clear that Zollinger et al. explicitly meets the claimed recitation of "binary differencing data"

while accounting for not only the type of data relative to each database but also the type of

changes being applied.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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September 17, 2008

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